

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**IN THE MATTER OF:**

**SOUTHLAND CORPORATION  
7-ELEVEN STORE NO. 20342  
487 VANDEGRIFT BOULEVARD  
OCEANSIDE, CALIFORNIA  
WDID NO. 9 000000795**

**COMPLAINT NO. R9-2004-0059  
FOR**

**NONCOMPLIANCE WITH ORDER NO.  
96-41, NPDES NO. CAG919002, GENERAL**

**ADMINISTRATIVE CIVIL LIABILITY  
WITH  
MANDATORY MINIMUM PENALTY**

**WASTE DISCHARGE REQUIREMENTS FOR  
GROUNDWATER EXTRACTION AND SIMILAR  
WASTE DISCHARGES FROM CONSTRUCTION  
AND REMEDIATION PROJECTS TO SURFACE  
WATERS WITHIN THE SAN DIEGO REGION,  
EXCEPT FOR SAN DIEGO BAY**

**FEBRUARY 26, 2004**

**SOUTHLAND CORPORATION IS HEREBY GIVEN NOTICE THAT:**

1. Southland Corporation is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, Water Code section 13385 et seq.
2. A public hearing on this matter is tentatively scheduled before the Regional Board on May 12, 2004, at the City of Laguna Beach Council Chambers, 505 Forest Avenue, Laguna Beach, California. The meeting will begin at 9:00 a.m. At the hearing, Southland Corporation will have the opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Regional Board. Additional notice of this public hearing and the hearing procedures will be provided to Southland Corporation prior to the hearing date with the agenda for the Regional Board meeting.
3. At the hearing, the Regional Board will determine the validity of the allegations contained herein and, if the allegations are found to be true, will consider whether to assess civil liability in the amount proposed by this Complaint, or in some other amount.

**ALLEGATION**

4. On July 9, 2001 Southland Corporation violated Order No. 96-41, *NPDES No. CAG919002, General Waste Discharge Requirements For Groundwater Extraction And Similar Waste Discharges From Construction And Remediation Projects To Surface Waters Within The San Diego Region, Except For San Diego Bay*. This violation is due to an exceedance of the Total Nitrogen Discharge Specification as reported in the July 2001 Monthly Monitoring Report.


February 26, 2004

5. The following facts are the basis for the alleged violation in this matter:
- a. Southland Corporation is the owner of 7-Eleven Store No. 20342 located at 487 Vandegrift Boulevard, Oceanside, California. On February 18, 1997, the Regional Board enrolled Southland Corporation under Order No. 96-41 to discharge remediated groundwater to the San Luis Rey River via the Storm Water Conveyance System (WDID No. 9 000000795). On October 10, 2001, Order No. R9-2001-0096 replaced Order No. 96-41.
  - b. The Discharge Specifications' section of Order No. 96-41 states that the Total Nitrogen Instantaneous Maximum is 2 mg/L. On August 30, 2001, the Regional Board received 7-Eleven Store No. 20342's July 2001 monthly monitoring report. On July 9, 2001, a Total Nitrogen Instantaneous Maximum result of 3.9 mg/L, 95% greater than the Discharge Specification, was reported.
  - c. Water Code Section 13385(h)(2) states that a "serious violation" means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more. Total Nitrogen is a Group 1 pollutant.
6. Water Code Section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each serious violation. Under Water Code section 13385(h) the amount of the mandatory minimum penalty that must be assessed is \$3,000 for the serious violation.

#### **PROPOSED CIVIL LIABILITY**

7. Pursuant to Section 13385 (h) of the Water Code a mandatory minimum penalty should be imposed on Southland Corporation by the Regional Board in the amount of \$3,000, the amount of the mandatory minimum penalty, for the above violation.

Dated this 26<sup>th</sup> day of February 2004.

  
JOHN H. ROBERTUS  
Executive Officer